

the U.S. Patent and Trademark Office be sent to Swidler Berlin Shereff Friedman, LLP.

However, no action has been taken on the Assignee's Revocation and Power of Attorney and correspondence continues to be sent to the previous address of record. Another copy of the Revocation and Power of Attorney is provided herewith. The Applicant respectfully requests the Revocation and Power of Attorney be entered.

Claim Rejections Under 35 U.S.C. § 102

In sections 2-3 of the Office Action, the Examiner rejected claims 1, 19, and 21 under 35 U.S.C. § 102 in view of Storch.

On page 3 of the Office Action, the Examiner stated "Storch discloses a telephony communication system ... compris[ing] a PSTN (telephone line) interface ..., a telephone device (telephone interface) ..., a Wide Area Network interface (packet network interface) ..., and a program module" As best illustrated in Figure 3, a telephone device (150) is connected to a private branch exchange (PBX) (401). The PBX is connected to a public switched telephone network (PSTN) point of presence (POP) (201) and a telephony-to-data re-routing system (TDR) (402). The TDR is connected to a wide area network (WAN) POP (301). The PBX is configured to route calls either through the PSTN or the TDR. All calls that are routed through the TDR are connected through the WAN. See, for example, column 5 lines 32-35. Thus, in order to connect a call from a telephone set through a WAN, the PBX must be used. If one were to connect the telephone directly to the TDR, every call would be made through the WAN; that is, the TDR itself does not provide for any connection other than through the WAN. It is noted that figure 4 discloses a PBX configuration rather than a TDR configuration (see, for example, column 5 line 66).

In contrast to Storch, the present invention discloses and claims a “telephone to packet adapter” (*not* a telephony system including a PBX) or a method of using such an adapter. The adapter has a telephone interface for connecting to a telephone set. The adapter additionally has both a telephone line interface and a packet network interface. The adapter itself determines which calls are connected through the standard telephone line and which calls are connected through the packet network. Thus, the adapter allows a caller to be connected through a telephone line *or* through a packet network *without requiring the presence of a PBX*. This is advantageous for environments that are not equipped with a PBX, such as a user’s home.

It is well settled that for a claim rejection under 35 U.S.C. § 102 to be proper, each and every element of the claim must be present in the cited reference. See, for example, MPEP § 2131. Storch does not disclose a telephone to packet adapter having a telephone interface, a telephone line interface, and a packet network interface, as required by claims 1, 19, and 21. Therefore, the rejection of claims 1, 19, and 21 is improper and must be withdrawn.

In view of the foregoing, the Examiner’s rejection under 35 U.S.C. § 102 to claims 1, 19, and 21 is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 103

In sections 4-6 of the Office Action, the Examiner rejected claims 2-4, 6-18, 20, and 23-31 under 35 U.S.C. § 103 in view of varying combinations of Storch, Koyama, and Kubler. Specifically, the Examiner rejected claims 2-4, 10-13, 18, 20, and 26-28 in view of Storch modified by Koyama; and claims 6-9, 14-17, 23-25, and 29-31 in view of Storch modified by Koyama and Kubler.

As discussed above with respect to the claim rejections under 35 U.S.C. § 102, Storch does not disclose the adapter of the present invention. Furthermore, there is no motivation in the reference itself or suggested by the Examiner to alter the Storch system. Finally, Storch itself teaches away from altering its system since, for example, “[i]t is desirable not to change the interface of the user of telephone device.” (Column 5 lines 10-11).

It is well settled that for a rejection of a claim under 35 U.S.C. § 103 to be proper, each and every recitation of the claim must be present in the cited reference(s). See, for example, MPEP § 2143.03. None of the combinations suggested by the Examiner address the shortcomings of Storch, which are discussed in detail above. Therefore, the rejections of claims 2-4, 6-18, 20, and 23-31 are improper and must be withdrawn.

In view of the foregoing, the Examiner’s rejections under 35 U.S.C. § 103 to claims 2-4, 6-18, 20, and 23-31 are believed to be overcome.

Additional Fees

The Commissioner is hereby authorized to charge a one-month extension fee of \$110 to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 20014.0002). The Commissioner is additionally authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 20014.0002).

Conclusion

Claims 1-4, 6-21, and 23-31 are pending in the application. In view of the foregoing, all of the Examiner’s rejections to the claims are believed to be overcome. The Applicant respectfully requests reconsideration and issuance of a Notice of Allowance for all claims.

Should the Examiner feel further communication would help prosecution, he is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean P. O'Hanlon", with a stylized flourish at the end.

Sean P. O'Hanlon
Reg. No. 47,252

Dated: July 22, 2002

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